

## NOTICE OF PROPOSED ACTION

by the  
State of Nevada  
Division of Environmental Protection  
Bureau of Air Pollution Control

### PUBLIC NOTICE

Pursuant to Nevada Revised Statutes (NRS) Chapter 445B and the Nevada Administrative Code (NAC) Chapter 445B the Division of Environmental Protection is issuing the following notice.

The Director has made an initial determination regarding de minimis designation for mercury emissions from thermal units at precious metals mining/processing stationary sources, pursuant to the requirements established in NAC 445B.3657. It has been determined that, at this time, there is insufficient data to set a de minimis mercury emission value based on thermal unit type, method of operation or throughput. De minimis status shall be determined on a case-by-case basis by the director.

The Director's determination, in brief, is based on the following:

- Facilities that are stationary sources, with an active Air Quality Operating Permit that belong to industry Group 104, Gold and Silver Ores, of Major Group 10, Metals Mining, of the Standard Industrial Classification Manual, were sent a Nevada Mining Mercury Questionnaire on January 19, 2006.
- The Nevada Mining Mercury Questionnaire was a formal information request by the Nevada Division of Environmental Protection pursuant to NRS 445B.230, 330 and 340-360. This request required the disclosure and description of thermal units with the potential to emit mercury.
- The Nevada Mining Mercury Questionnaire requested mercury emission values for each thermal unit with the potential to emit mercury and the method of emissions measurement or estimation. Facilities were instructed to return the completed Questionnaires to NDEP-BAPC by March 20, 2006.
- On March 8, 2006, the Nevada Mercury Air Emissions Control Program was ratified by the State Environmental Commission.
- After review of the Nevada Mining Mercury Questionnaire, the Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC) has determined that there is insufficient data to set a de minimis mercury emission value based on thermal unit type, method of operation or process throughput.
- Pending additional mercury emissions data for thermal units, achieved with NDEP-BAPC approved test methods with NDEP-BAPC data quality approval, de minimis status shall be determined on a case-by-case basis by the Director.

Persons wishing to comment upon the initial determination by the Director regarding de minimis or to request a hearing pursuant to NRS 445B Air Pollution and NAC 445B Air Controls should submit their comments or request in writing either in person or by mail or fax within thirty (30) days to:

Rob Bamford  
Division of Environmental Protection  
Nevada Bureau of Air Pollution Control  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
(775) 687-9330 (775) 687-6396 FAX

Written comments or objections, will be received at the Division of Environmental Protection, above address, until August 18, 2006, and will be retained and considered. Upon a valid written request received prior to the end of the comment period, the Director will schedule a public hearing on the application and proposed action.

Please bring the foregoing notice to the attention of all persons whom you know may be interested in this matter.